

One Call Regulatory Overview

Edison, New Jersey March 1994

- ▶ 36" gas line ruptured near apartment complex
- ▶ Fired destroyed or damaged 14 apartment buildings
- ▶ Over 1,500 residents evacuated, 100 left homeless
- ▶ Latent third party damage –
 - ▶ mechanical damage cause by backhoe
 - ▶ Never reported to operator

Bellingham, WA June 10, 1999

- ▶ 16" gasoline pipeline leaked, then exploded
- ▶ Three fatalities
- ▶ Over \$58 million in damages
- ▶ Third party damage to pipeline



Damage Prevention History

- ▶ Original damage prevention language was added in 1979 required operators to:
 - ▶ Provide a means of receiving and recording notification of planned excavation activities.
 - ▶ Provide for temporary marking of buried pipelines in the area of excavation activity before, as far as practical, the activity begins.

Excavation Activities

Includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations

Additional description in Chapter 24C



Damage Prevention History

- ▶ 1997 – Mandatory participation in qualified one-call systems by pipeline operators
 - ▶ Encourage states to adopt improved one-call notification systems
 - ▶ Upgrade existing systems, establish one-call in states with no one call system

49 CFR 196 – 2015

Protection of Underground Pipelines from Excavation Activity

- ▶ Minimum requirements that excavators must follow to protect underground pipelines from excavation damage
- ▶ First time action against excavators
- ▶ For states without enforcement, PHMSA will act as enforcement agent

49 CFR 196 Definitions

Damage or excavation damage means any excavation activity that results in the need to repair or replace a **pipeline** due to a weakening, or the partial or complete destruction, of the pipeline, including, but not limited to, the pipe, appurtenances to the pipe, protective coatings, support, cathodic protection or the housing for the line device or facility.

49 CFR 196 Definitions

Pipeline means all parts of those physical facilities through which gas, carbon dioxide, or a hazardous liquid moves in transportation, including, but not limited to, pipe, valves, and other appurtenances attached or connected to pipe (including, but not limited to, tracer wire, radio frequency identification or other electronic marking system devices), pumping units, compressor units, metering stations, regulator stations, delivery stations, holders, fabricated assemblies, and breakout tanks.

49 CFR 196 Subpart B

Minimum requirements that excavators must follow to protect pipelines subject to PHMSA or State pipeline safety regulation

- ▶ Use one call system
- ▶ Wait for marking, and excavate with proper regard to marks to prevent damage
- ▶ Additional one calls as needed before excavation



49 CFR 196 Subpart B

Minimum requirements that excavators must follow to protect pipelines subject to PHMSA or State pipeline safety regulation

- ▶ If damage, must report to pipeline operator at earliest practicable moment following discovery of damage
- ▶ If leak, must promptly report the release appropriate emergency authorities by calling 911



WV Reporting Requirement

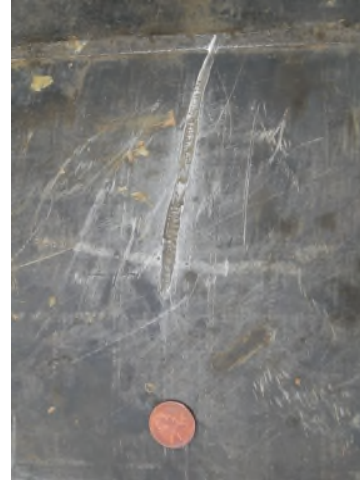
- ▶ §15-5C-2 requires reporting within 15 minutes of “unintended release of poisonous or combustible substances that have reasonable potential to cause death”
- ▶ Call to WV DEP Spill Line 1-800-642-3074
- ▶ 1-866-987-2338 within 15 minutes
- ▶ Call 911



49 CFR 196 Subpart C

Administrative Enforcement Process

- ▶ Allows enforcement when excavators damage regulated pipelines
- ▶ Provides for PHMSA enforcement when State program deemed inadequate



PHMSA Damage Prevention Annual Program Review

- ▶ Since 2016, PHMSA performs an annual review of the WV damage prevention enforcement program
- ▶ Nine elements are reviewed, including damage prevention enforcement
- ▶ https://primis.phmsa.dot.gov/comm/StateDamagePrevention/StateDamagePrevention_WV.htm?nocache=5966

PHMSA Damage Prevention Annual Program Review

- ▶ First few inspections resulted in an inadequate rating
- ▶ First enforcement in 2019
- ▶ Since 2019 Adequate for damage prevention enforcement

PSCWV – Gas Pipeline Safety Jurisdiction

- ▶ PSCWV can enforce against regulated pipeline operators that violated Federal Pipeline Safety Regulations
- ▶ No authority over:
 - ▶ One-call - separate organization
 - ▶ Excavators, in spite of Part 196
 - ▶ Operators of other underground facilities

Miss Utility of WV

- ▶ Chapter 24-Enacted in 1996
- ▶ Defined excavation activities, roles of excavators and operators of underground facilities
- ▶ Unchanged until 2018 to address enforcement and PHMSA enforcement concerns



Chapter §24-C

- ▶ In 2018, legislative action added sections on Damage Prevention Enforcement
- ▶ Created Damage Prevention Enforcement Board
- ▶ Equity among operators of underground facilities and excavators



WV Regulated Pipelines

- ▶ Over 14,000 miles of regulated pipelines, unknown miles of production and unregulated pipelines
- ▶ Carry natural gas, highly volatile liquids (HVLs), crude oil, refined product
- ▶ Pressure can be from ounces to thousands of pounds of pressure
- ▶ All pipeline operators except for gathering lines <3" in diameter required to belong
- ▶ Not just excavation, crossing pipelines, adding cover



Excavation Damage

- ▶ Serious threat to public safety and pipeline integrity
- ▶ Excavation damage is preventable

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